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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,453	01/20/2004	Gabor Bajko	59643.00349	7833
32294	7590	09/13/2006	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			EKONG, EMEM	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/759,453	BAJKO ET AL.
	<b>Examiner</b> EMEM EKONG	<b>Art Unit</b> 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 January 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/13/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, and 5-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Publication No. 2003/0035401 A1 to Shaheen et al. (Shaheen).

Regarding claim 1, Shaheen discloses a method in a communication system for handling responses to messages (par. 4), the method comprising: sending a message from a first party to a second party (par. 33, and 65); sending a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party (pars. 37-39, and 66); detecting in a network controller that the response includes at least one parameter breaching the policy (pars. 49, 67, and 75-77); and modifying the at least one parameter to be consistent with the policy (pars. 45, 50, and 68).

Regarding claim 2, Shaheen discloses a method as claimed in claim 1, wherein the step of modifying comprises modifying the at least one parameter by the network controller (pars. 58, and 78).

Regarding claim 3, Shaheen discloses a method as claimed in claim 1, wherein the step of modifying comprises modifying the at least one parameter by the first party (par. 45).

Regarding claims 5-8, Shaheen discloses a method as claimed in claim 1, wherein the step of detecting comprises detecting in the network controller which provides a call session control function, wherein the step of detecting comprises detecting in the network controller which provides the call session control function comprising one of a proxy call session control function and a serving call session control function, wherein the step of detecting comprises detecting that the response includes the at least one parameter comprising a parameter of a session description protocol, wherein the step of sending comprises sending the response being in accordance with a session initiation protocol (see figures 1-9, and pars. 5-7).

Regarding claim 9, Shaheen discloses a controller for a communication system configured to handle responses and requests between parties of communication sessions (i.e. GGSN, PCSCF, SCSCF), forward a message from a first party to a second party (pars. 33, and 65), check if a response to the message includes at least one parameter in breach of a policy for the communication between the parties (pars. 37-39, and 66), and modify the at least one parameter to be consistent with the policy (pars. 58, and 63).

Regarding claim 10, Shaheen discloses a communication system for providing communication sessions between parties connected to the communication system, the communication system comprising a controller configured to handle responses and requests between parties of communication sessions (see figures 1-9), forward a message from a first party to a second party (pars. 33, and 65), check if a response to the message includes at least one parameter in breach of a policy for the communication between the parties (pars. 37-39, and 66), and modify the at least one parameter to be consistent with the policy (pars. 58, and 63).

Regarding claim 11, Shaheen discloses a communication system for providing communication sessions between parties connected to the communication system, the communication system comprising: sending means for sending a message from a first party to a second party (i.e. GGSN, PCSCF, SCSCF, see figures 1,2,8-9, and pars. 33, and 65); sending means for sending a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party; (i.e. UE2, PCSCF2, SCSCF2, see figure 9, and pars. 37-39, and 66), detecting means for detecting in a network controller that the response includes at least one parameter breaching the policy (i.e. PCF, par. 63); and modifying means for modifying the at least one parameter to be consistent with the policy (SIP, par. 63).

Regarding claim 12, Shaheen discloses a method in a communication system for

handling responses to messages, the method comprising: sending a message from a first party to a second party (pars. 64-65); awaiting a response to the message, the response including at least one parameter in breach of a policy for a communication between the first party and the second party (pars. 37-39, and 66); and modifying the at least one parameter to be consistent with the policy ((pars. 45, 50, 63, and 68).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaheen in view of Us Publication No. 20040215787 A1 to Gibson et al. (Gibson).

Regarding claim 4, Shaheen discloses a method as claimed in claim 1, further comprising: passing the response unmodified from the second party to the first party.

However, Shaheen fails to disclose checking to determine if a further message from the first party responding the response includes the at least one parameter in breach of the policy (pars. 39, and 50).

Gibson discloses checking to determine if a further message from the first party responding the response includes the at least one parameter in breach of the policy (par. 115-119).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Shaheen, by checking to determine if a further message from the first party responding the response includes the at least one parameter in breach of the policy as disclosed by for the purpose of ensuring correct parameter is used in response.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EOE  
9/6/2006



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